Supreme Court, U.S.
FILED

No.

941514 MAR 14 1995

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1994

GEORGE GILMORE MARTIN and
JULIA S. MARTIN

Petitioners,

vs.

BANK OF FLOYD; GENTRY, LOCKE, RAKES & MOORE, WILLIAM R. RAKES; G. HARRIS WARNER, JR.; WILLIAM J. CREECH, JR.; AND RONALD LEON MOORE

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

George Gilmore Martin and
Julia S. Martin
5 Concourse Parkway
Suite 3100
Atlanta, Georgia 30328
Phone (404) 804-5815
Pro Se

A. - The Questions Presented for Review:

(1) Is purposeful availment requirement for specific personal jurisdiction satisfied if defendants purposefully direct criminal activity into the forum and the plaintiffs' cause of action arises from that activity?

(2) Would the assertion of personal jurisdiction in this case comport with "fair play and substantial justice"?

B. - A List of All Parties:

George Gilmore Martin

Julia S. Martin

Bank of Floyd

Gentry, Locke, Rakes & Moore

William R. Rakes

William J. Creech, Jr.

G. Harris Warner, Jr.

Ronald Leon Moore

There are no parent or subsidiary companies to be listed.

C(i). - Table of Contents:

	Page
1. The Questions Presented for Review .	1
2. List of all Parties	2
3. Table of Contents	3
4. Table of Authorities	5
5. References to Reports of Opinions by Other Courts in this Case	6
6. Statement of Grounds on Which Jurisdiction is Invoked	6
7. Constitutional Provisions Involved in this Case	6
8. Statement of the Case	7
9. Reasons Relied on for the Allowance of the Writ	15

10. First Question - Is purposeful avail ment requirement for specific personal jurisdiction satisfied if defendants purposefully direct criminal activity into the forum and the plaintiffs' of action arises from that activity? Analysis of case law 15

11. Second Question - Would the assertion of personal jurisdiction in this case comport with "fair play and substantial justice"? 18

a. Burden of defending in forum is light 18

b. Forum's interest in adjudicating this dispute 19

c. Plaintiffs' interest in adjudication in forum 20

d. Interstate judicial system's interest in efficient resolution 21

e. Furtherance of social pclicy

considerations 22

12. Appendix 24

C(ii). - Table of Authorities:

Burger King v. Rudzewicz,

471 U.S. 462 16

D. A reference to the official and unofficial reports of opinion delivered in this case by other courts:

None were published - See Appendix

E. Statement of the grounds on which the jurisdiction of the Supreme Court of the United States is invoked:

i Date of Entry of Judgement Sought to be Reviewed - January 11, 1995;

ii Date of Order Respecting a Rehearing - February 6, 1995; and

iii The statutory provision believed to confer on the Court Jurisdiction to review the Judgment in question by Writ of Certiorari - 28 U.S.C.A. §1254(1)

F. The Constitutional provision invoked in this case:

"... nor shall any State deprive any person of life, liberty, or property, without due process of Law. . ."

Fourteenth Amendment to the Constitution of the United States of America.

G. Statement of the case:

Under diversity of citizenship, on May 5, 1993, plaintiffs filed a Rico lawsuit against defendants in Federal District Court in Atlanta, Georgia. Plaintiffs have basically alleged that the defendants are joint participants in interstate schemes to cheat the plaintiffs out of approximately $401,650 in property value and $200,000 in cash. Plaintiffs alleged that defendants in furtherance of the schemes sent or caused to be sent into the forum 12 mailings to the Plaintiffs. These forum mailings are alleged to have violated §18 U.S.C.A. 1341 (Mail Fraud) and formed a large number of predicate acts

of racketeering activity in violation of 18 U.S.C.A. 1962 (Rico).

More specifically, in the Complaint, the Plaintiffs have basically alleged:

1. That the defendants specifically targeted the Plaintiffs; when residents of the forum, as victims in two fraudulent schemes and specifically directed actions against the Plaintiffs in the forum to further and effectuate their schemes.

2. Defendants personally sent six separate intrinsically deceptive letters into the forum intending for the Plaintiffs to rely thereon in the forum. The Plaintiffs read the deceptive letters in the forum, were deceived in the forum, relied on the deceptive letters in the forum, failed to take action in the forum because of the

letters and suffered injury in the forum as a consequence of the actions of the Defendants in effectuating their schemes. The Defendants all knew or reasonably should have anticipated that their action would result in injury to the Plaintiffs in the forum. In fact, one scheme had as its final objective the extraction of over $200,000 of Plaintiffs' money from the forum.

3. In the Complaint, the following was specifically alleged:

(a) "In order to forward the purpose of executing the schemes to defraud the [Plaintiffs], on or about August 21, 1991, [a Defendant] . . . willingly and knowingly mailed a letter . . . to [Plaintiffs in the forum]. . . . [T]he mailing of this letter . . . constituted a violation by [Defendants] personally of 18 U.S.C.A. §1341 (Mail Fraud). This was the first predicate act of racketeering activity in

Violation 18 U.S.C.A. (1962) (Rico)".

(b) "In order to forward the purpose of executing the schemes to defraud the [Plaintiffs], on or about October 10, 1991, a [Defendant] . . . willfully and knowingly mailed a letter . . . to [Plaintiffs in the forum] . . . [T]he mailing of this letter. . . to the [Forum] constituted a violation by [Defendants] of 18 U.S.C.A. §1341 (Mail Fraud) and was the third predicate act of racketeering activity in violation of 18 U.S.C.A. §1962 (Rico)".

(c) "In order to forward the purpose of executing the schemes to defraud the [Plaintiffs], on or about November 19, 1991, a [Defendant] willfully and knowingly mailed . . . [four separate and distinct letters to plaintiffs] . . . The mailing of [the] letter[s] constituted violation[s] of 18 U.S.C.A. §1341 (Mail Fraud) and [were separate] predicate act[s] of racketeering activity in violation of 18 U.S.C.A. §1962 (Rico)."

(d) "In order to forward the purpose of executing [the schemes, the Defendants caused four separate return

receipts to be signed in the forum by plaintiffs and mailed from the forum. These mailings were mail fraud violations and predicate acts of racketeering."]

(e) "In order to forward the purpose of executing the fraudulent schemes, [the Defendants knowingly caused the Secretary of the State of Virginia to mail two separate letters to the Plaintiffs in the forum. These mailings were separate] violations of 18 U.S.C.A. §1341 (Mail Fraud) and predicate acts of Racketeering activity in violation of 18 U.S.C.A. §1962 (Rico)."

(f) "[That the 12 separate mailings into and out of the forum on behalf of the separate defendants constituted a large number of criminal acts in the forum. Specifically, Defendents committed] forty-eight (48) predicate acts of Racketeering activity in [the forum which] are indictable and triable in [the forum]."

On May 27, 1993, Defendants, Bank of Floyd and Ronald Leon Moore, filed a Motion to Dismiss, in relevant part, for Lack of

Jurisdiction over the persons of the respective Defendants. Also filed therewith was an Affidavit by a Defendant. In the Affidavit, it was stated that the respective defendants are not residents of the forum, do not own property in the forum, and do not regularly engage in or solicit business in the forum.

On June 9, 1993, the remaining Defendants filed a Motion to Dismiss, in relevant part, for Lack of Jurisdiction. Also filed therewith was another Affidavit by another Defendant. In that Affidavit, it was stated that the remaining defendants were not residents of the forum, did not regularly engage in or solicit business in the forum, various actions of defendants (other than the 12 letters caused to be sent by Defendants into the forum) occurred outside the forum, and an admission that eight of the 12 letters sent into the forum were caused by the Affiant- Defendant himself.

On June 14, 1993, one of the Plaintiffs filed an Affidavit wherein it was stated that he was a resident of the forum, that during most of 1991, while a resident of the forum, the Bank of Floyd had carried on a banking business relationship with him in the forum (both loan and deposit), the Bank directed numerous correspondence and telephone calls to him in the forum concerning their business relationship, the Bank had sent to him in the forum numerous letters soliciting his business (present and future), and that the bank had, also, carried on banking business with at least one other resident of the forum in the forum itself (that person not being a party to the litigation).

On July 6, 1993, the same Plaintiff filed a second affidavit wherein it was stated that, while being a resident of the forum, he personally sustained damage in the forum from certain tortious acts of the Defendants in the forum, to have been injured as a

proximate result of the Defendants' commission of predicate acts of racketeering (over 75% of which occurred in the forum), that the injuries flowed directly from the commission of predicate acts occurring in the forum, that he was deceived in the forum by six letters sent to him in the forum by the Defendants, mislead into inaction in the forum, and personally damaged in the forum by losing the value of his property as a result of the misconduct of Defendants in the forum and by having to expend money from the forum because of the scheme to cheat him out of $200,000 in the forum.

On March 1, 1994, an order was signed by the U. S. District Court Judge concluding that the Defendants were not subject to the jurisdiction of the forum because;

> "the defendants did not purposefully do some act or consummate some transaction with or in [the forum] . . . Accordingly, the Court concludes that Defendants do not have minimum contacts with [the forum] that would make them amenable to service of process under the Georgia long-arm statute. Furthermore,

> no minimum contacts exist, which would establish a constitutionally sufficient relationship with Georgia that the exercise of jurisdiction by this court would be consistent with traditional notions of fair play and substantial justice."

On January 11, 1995, the 11th Circuit Court of Appeals affirmed the District Court's dismissal of Plaintiffs' action for the reason of lack of personal jurisdiction over any of the defendants.

On February 6, 1995, the 11th Circuit Court of Appeals denied a petition for rehearing by Plaintiffs.

J. Reasons Relied on for the Allowance of the Writ:

The 11th Circuit of the United States Court of Appeals has decided federal questions in a way that conflicts with applicable decisions of the Supreme Court of the United States.

(1) Is purposeful availment requirement for specific personal jurisdiction satisfied if

Defendants purposefully direct criminal activity into the forum and Plaintiffs' Cause of Action arises from that activity?

This question was basically answered by the United States Supreme Court in 1985 in the Case of Burger King v. Rudzewicz, 471 U.S. 462. Therein, the Court stated that "where a forum seeks to assert specific jurisdiction over an out-of-state defendant who has not consented to suit there, the 'fair warning' requirement is satisfied if the Defendant has purposefully directed his activities at residents of forum. . . and the litigation results from alleged injuries that arise out of or relate to those activities." Moreover, the Court stated "... the foreseeability

that is critical to due process analysis is that Defendant's conduct and connection with the forum State is such that he should reasonably anticipate being haled into court there."

In conclusion, if Defendants purposefully direct criminal activity into a forum, then the Defendants should reasonably anticipate being haled into Court in the forum to stand trial at least for the criminal charges they themselves created in the forum. In this case, the Defendants are alleged to have "willfully and knowingly" sent or caused to be sent 12 mailings into the forum in furtherance of their schemes to cheat the Plaintiffs. These mailings have been alleged to be violations of the Mail Fraud

laws. The Rico litigation arises from these alleged mail fraud violations. Given this, the exercise of jurisdiction under the Georgia Long-Arm Statute comports with due process concerning minimum contacts.

2. Would the assertion of personal jurisdiction in this case comport with fair play and substantial justice?

   a. The burden on the Defendants in defending this action in Georgia is light. Atlanta has a first class airport with many direct flights to and from Roanoke, making travel between the two points quick and convenient. The Defendants are ably represented by competent Georgia counsel. Most all of the documentary evidence is already in the possession of the plaintiffs in Atlanta.

Contemporary instantaneous communication by fax, E. mail, computer, and cellular telephone have effectively associated formerly distant persons, businesses, and other entities into new communities where physical distance is immaterial. Besides, any inconvenience caused to Defendants by subjecting them to the jurisdiction of the Northern District of Georgia is overridden by the greater inconvenience of requiring Georgia plaintiffs, who were injured in Georgia by the Defendants' purposeful activity in and directed at Georgia, to pursue their cause of action in a foreign forum.

b. Georgia's interest in adjudicating this dispute is manifest given

that it has a compelling interest in protecting its residents from fraudulent schemes, launched from other states, specifically directed at its residents which cause damage in Georgia to the extent of $400,000 or more. Schemes of this magnitude, repeated often enough, could financially wipe out large numbers of Georgia residents, reducing them to abject poverty and necessitating state aid.

c. The Martins' interest in having their case adjudicated in Atlanta is manifest. They are Georgia residents who seek relief for the crippling financial injuries they suffered in Georgia as a direct result of the Defendants personally targeting them for financial harm and specifically

and purposely directing action toward them in Georgia.

d. The interstate judicial system's interest in obtaining the most efficient resolution of this controversy is not offended by Georgia's exercise of personal jurisdiction herein. A considerable time and effort has already been put forward by the Defendants' Georgia attorneys and Georgia judges in understanding the facts and law herein. To start all over again in Virginia would be a waste of this effort and would be inefficient. Thus, efficient resolution of this case suggests that jurisdiction be asserted over the Defendants in Georgia. Furthermore, there is nothing to suggest it would be any more efficient in Virginia.

e. Finally, Georgia has a manifest interest in furthering its fundamental substantive social policy of protecting its residents from financial harm caused within its borders by persons who launch schemes from other states into Georgia intentionally to harm specific Georgia residents. Virginia may have little interest in protecting the victims, thereby retarding the fundamental substantive social policy of stopping interstate swindles.

In conclusion, this case is not one of those rare cases in which minimum requirements inherent in the concept of fair play and substantial justice defeat the reasonableness of jurisdiction even though the Defendants have purposefully engaged in forum activities.

Petitioners ask the Supreme Court of the United States grant the petitioners a Writ of Certiorari so that the Supreme Court can properly consider reversing the 11th Circuit Court of Appeals Decision on federal questions in ways that conflict with applicable decisions of the Supreme Court of the United States.

George Gilmore Martin,
Pro Se
5 Concourse Pkwy.
Suite 3100
Atlanta, GA 30328
(404) 804-5815

Julia S. Martin,
Pro Se
5 Concourse Pkwy.
Suite 3100
Atlanta, GA 30062
(404) 804-5815

K. - Appendix Page

1. Judgment of 11th Circuit Court of Appeals dated January 11, 1995 25

2. Order of District Court dated March 1, 1994 29

3. Order on Petition for Rehearing dated February 6, 1995 39

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

NO. 94-8371
NON-ARGUMENT CALENDAR

D.C. DOCKET NO. 1:93-CV-980 MHS

GEORGE GILMORE MARTIN,
JULIA S. MARTIN,

Plaintiffs-Appellants,

versus

BANK OF FLOYD, a
Virginia banking
corporation, et al.,

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

(January 11, 1995)

Before DUBINA and BARKETT, Circuit Judges, and RONEY, Senior Circuit Judge.

PER CURIAM:

We affirm the district court's dismissal of this action for the reason of lack of personal jurisdiction over any of the defendants.

After the foreclosure against their property in Virginia of a mortgage they had executed before moving to Georgia, plaintiffs filed this action against the Bank and several attorneys and individuals involved in the foreclosure proceedings, alleging federal RICO and Georgia RICO causes of action.

The recitation of the facts in two paragraphs of the district court opinion is sufficient to reflect that the federal district court in Georgia did not have personal jurisdiction over the defendants:

> In this action, defendant Bank and defendant Moore have no office in Georgia, are not licensed to do business in Georgia, have no customers who reside in Georgia, and are aware of no revenue derived from Georgia. Defendants, Creech, Rake, and Warner are attorneys with defendant law firm, located in Roanoke, Virginia. None of these defendants reside in Georgia presently or at any time material to this action. None of these defendants practices law in Georgia or is licensed to practice law in Georgia. None of these defendants has an office or any other place of business of any kind in Georgia. Defendant law firm of Gentry, Locke, Rakes & Moore has no employees who reside in Georgia, is not licensed to transact business in Georgia, has no agents in Georgia, and does not regularly

> transact business or practice law in Georgia.
>
> The only action any of the defendants took with respect to Georgia was mailing two letters requesting updated financial statements and a foreclosure notice into Georgia, by certified mail, return receipt requested, as required by Virginia law in connection with the foreclosure of property. Every other act occurred in Virginia. The promissory note was executed in Virginia. The deed of trust was executed in Virginia. The real property is located in Virginia. The foreclosure occurred in Virginia. The property was advertised for sale in Virginia. The sale of property was conducted in Virginia. Subsequent sales of some lots to third parties occurred in Virginia.

Martin v. Bank of Floyd, et al., No. 1:93-cv-980-MHS, unpublished opinion at 6-7 (N.D. Ga. Mar. 1, 1994) (hereinafter referred to as "District Court Op. at __")

In keeping with the law recited in its Order, the district court correctly concluded that "by mailing letters requesting updated financial information to plaintiff's new address in Georgia and by subsequently mailing notice of foreclosure as required by Virginia law, the defendants did not purposefully do some act or

consummate some transaction with or in Georgia" and that the defendants, therefore, "do not have minimum contacts with Georgia which would make them amenable to service of process under the Georgia long-arm statute." District Court Op. at 7.

AFFIRMED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

GEORGE GILMORE MARTIN,
JULIA S. MARTIN,

Plaintiffs,

versus

BANK OF FLOYD, a
Virginia banking
corporation, et al.,

Defendants.

ORDER

This action is before the Court on two motions to dismiss or transfer by defendants. For the reasons stated below, the Court grants the motions to dismiss.

In May 1990, plaintiffs, who are pro se, borrowed money from defendant Bank of Floyd in Virginia and executed a note in the amount of $630,000. This note was secured by certain real property located in Virginia. Plaintiffs executed a deed of trust transferring this real

property to two trustees. About seven months later, plaintiffs moved to Georgia. On August 21, 1991, defendant Moore, Executive Vice President of defendant Bank of Floyd, sent a letter to plaintiffs which stated that plaintiffs must send current financial statements because federal regulations require FDIC-insured banks to have on file current financial statements of any borrower. A financial statement form accompanied the letter. On October 10, 1991, a letter essentially identical to the September 16 letter was sent to plaintiffs again, together with another financial statement form.

On September 16, 1991, defendant Bank of Floyd substituted the original trustees with defendant Creech, an attorney and partner in defendant law firm, Gentry, Locke, Rakes & Moore, located in Roanoke, Virginia. On November 19, 1991, defendant trustee Creech sent a certified mail-return receipt letter to

plaintiffs in which he informed them that he had been named substitute trustee, that the deed of trust and note secured were in default, that the noteholder and declared all the debts and obligations due and payable, and that the deed of trust would be foreclosed and the property sold under the terms specified in an attached notice. On November 21, 1991, plaintiff signed the return receipt. On November 26 and December 1, 1991, two advertisements for the property were run in a newspaper in Virginia. On December 4, 1991, defendant Bank foreclosed. There was only one bidder at the sale other than defendant bank. Defendant bank purchased the property at the foreclosure sale. Defendant Creech was paid a trustee commission. In January 1992, defendant law firm represented defendant bank in an action filed in Virginia against plaintiffs to recover the deficiency on the note plus attorney's fees.

In this action, plaintiffs allege that

defendants collectively engaged in forty-eight predicate acts of federal RICO and Georgia RICO. Plaintiffs also allege that defendant Creech and defendant bank entered into a conspiracy to breach and did breach fiduciary duties owed to them. Defendants Rakes, Creech, and Warner are attorneys employed by defendant law firm. Defendant Moore is an officer of defendant bank.

Defendants argue that the Court should dismiss plaintiffs' complaint for lack of personal jurisdiction. They argue that this Court's exercise of personal jurisdiction over defendants violates the Due Process Clause of the U.S. Constitution and that defendants are not amenable to service under the Georgia long-arm statute.

Before a federal court may exercise personal jurisdiction over a nonresident defendant, that defendant must be amenable to service of process and a constitutionally

sufficient relationship (minimum contacts) must exist between the nonresident defendant and the forum such that the exercise of jurisdiction is consistent with traditional notions of fair play and substantial justice. Omni Capital Int'l Ltd. v. Rudolf Wolff & Co., Ltd., 108 S. Ct. 404, 409 (1987). Federal Rule of Civil Procedure 4(e) states that if no federal statute with a service of process provision is applicable to an action, service of process is made according to the law of the state in which the district court sits.

No federal statute with a service of process provision is applicable to this action; therefore, service of process must be made under the Georgia long-arm statute, O.C.G.A. 9-10-91 (Supp. 1993). Subsection (1) of the Georgia long-arm statute applies only to claims based on contract. Delong Equip. Co. v. Washington Mills Abrasive Co., 840 F.2d. 843, 848 (11th Cir. 1988), cert. denied, 494 U.S. 1081 (1990).

Because the claims in this action are tort claims, jurisdiction must be premised on subsections (2) or (3) of the Georgia long-arm statute.[1] Although § 2 of the long-arm statute appears on its face to apply to torts committed within the state and § 3 appears to apply to torts committed without the state causing injury within the state, the Georgia courts have interpreted § 2 and § 3 to be essentially identical. Yarbrough v. Estate of Yarbrough, 173 Ga. App. 386, 387 (1985) (citing Clarkston

---

[1]Subsection (2) reads, "commits a tortious act or omission within this state, except as to a cause of action for defamation of character arising from the act." O.C.G.A. § 9-10-91(2). Subsection (3) reads, "commits a tortious injury in this state caused by an act or omission outside this state if the tort-feasor regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this state." O.C.G.A. § 9-10-91(3).

Power Flow, Inc. v. Thompson, 244 Ga. 300, 302 (1979).[2]

The following three-part test must be satisfied to comply with §§ 2 and 3 of the Georgia long-arm statute. Delong, 840 F.2d at 848-49.

---

[2]In Clarkston Power, the court stated that "limitations similar to those present in subsection [(3)] are constitutionally mandated under subsection [(2)]." 244 Ga. at 301. However, the court then stated that "a nonresident defendant is subject to the jurisdiction of the Georgia courts only if he has established 'minimum contacts' in [Georgia] so that the exercise of jurisdiction is consistent with 'traditional notions of fair play and substantial justice.'" Id. (citing Int'l Shoe v. Washington, 326 U.S. 310, 316 (1945)). Although there appears to be some confusion about the limitations of subsection (2) as compared to those of subsection (3), the Eleventh Circuit has stated that the Georgia long-arm statute is to be interpreted to the maximum limits of due process. Delong, 840 F.2d at 849, n. 7. Thus, the following discussion of the Georgia long-arm statute includes the consideration of the same issues as those involved in determining the constitutionality of the exercise of personal jurisdiction by this court.

First, the "nonresident has purposefully done some act or consummated some transaction with or in the forum . . . The defendant need not be physically within the forum when this act or transaction occurs and a single such instance may suffice." Id. Second, "the [plaintiff] must have a legal cause of action in tort against the nonresident, which arises out of, or results from, the purposeful activity of the defendant involving [Georgia]." Id. Third, if the first two requirements are met, the exercise of jurisdiction must be "reasonable." Id.

In this action, defendant Bank and defendant Moore have no office in Georgia, are not licensed to do business in Georgia, have no customers who reside in Georgia, and are aware of no revenue derived from Georgia. Defendants Creech, Rake, and Warner are attorneys with defendant law firm, located in Roanoke, Virginia. None of these defendants resides in Georgia presently or at any time material to

this action. None of these defendants practices law in Georgia or is licensed to practice law in Georgia. None of these defendants has an office or any other place of business of any kind in Georgia. Defendant law firm of Gentry, Locke, Rakes & Moore has no employees who reside in Georgia, is not licensed to transact business in Georgia, has no agents in Georgia, and does not regularly transact business or practice law in Georgia.

The only action any of the defendants took with respect to Georgia was mailing two letters requesting updated financial statements and a foreclosure notice into Georgia, by certified mail, return receipt requested, as required by law.

Therefore, the Court GRANTS defendants' motions to dismiss [#5-1] [#7-1] for reason of lack of personal jurisdiction and DENIES AS MOOT defendants' motions to transfer [#5-2] [#7-2].

IT IS SO ORDERED, this 1st day of March, 1994.

\S\ Marvin H. Shoob
Marvin H. Shoob, Senior Judge
United States District Court
Northern District of Georgia

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

GEORGE GILMORE MARTIN,
JULIA S. MARTIN,

Plaintiffs-Appellants,

versus

BANK OF FLOYD, a
Virginia banking
corporation, et al.,

Defendants-Appellees.

ON APPEAL FROM THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

ON PETITION(S) FOR REHEARING

Before: DUBINA and BARKETT, Circuit Judges, and RONEY, Senior Circuit Judge.

PER CURIAM:

The petition(s) for rehearing filed by the appellants George Gilmore Martin and Julia S. Martin is denied.

ENTERED FOR THE COURT:

\S\ Joel F. Dubina
United States Circuit Judge